

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL BUXBAUM,

Plaintiff,

-against-

ROCCOS'S ITALIAN CUISINE & PIZZA

Defendant.

25-CV-0610 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Since the beginning of this calendar year, Plaintiff Michael Buxbaum has filed in this court over one hundred new civil actions, *pro se*. In each case he has filed, including this case, he has not paid at the time he files his complaint the requisite \$405.00 in fees. Accordingly, by order dated January 28, 2025, the Court directed Plaintiff, within 30 days, to either pay the \$405.00 in fees required to bring a civil action in this court or submit an application to proceed *in forma pauperis* (“IFP”). Before the Court issued its January 28, 2023 order, however, Plaintiff had requested, in a letter dated January 23, 2025, that this matter be withdrawn because he believed that the statute of limitations had expired. (ECF 3.) Thus, on March 14, 2025, the Court dismissed the complaint voluntarily under Rule 41(a) of the Federal Rules of Civil Procedure. Nearly two months later, on May 6, 2025, the court received a money order from Plaintiff in the amount of \$405.00.

This case is closed and no payment in this matter is due. The Court therefore directs the Clerk of Court to return to Plaintiff his money order in the amount of \$405.00.

**CONCLUSION**

The Court directs the Clerk of Court to return to Plaintiff his money order in the amount of \$405.00. This action remains closed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

Dated: May 16, 2025  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge